

Conference Reports

“Postcolonial Justice”, 25th Annual Conference of the Association for Anglophone Postcolonial Studies (GAPS), a joint conference with GAST (Gesellschaft für Australien Studien), Potsdam and Berlin, 29 May-1 June 2014

As a member of both GAPS and GAST, I was particularly looking forward to discovering areas of overlap in the content of the speakers, and in the discussion and debate around the conference. Plenty of guest speakers were invited from Australia, and Australian themes made up a considerable portion of the program. Given there were often seven parallel panels, not all Australia-related papers could be heard.

What follows, then, is a report on a selection of talks I did hear on Australia. I also offer my own particular ‘angle’ on some of the keynotes. I deliberately invoke journalistic jargon here, because as a former journalist I have decided to experiment with format: I will use straight journalistic reportage for keynotes and academic conference reportage for panel sessions. I do not necessarily do justice (that word again) to either format. My aim is simply to provide a stylistic mix, also in contrast to the other conference reports in this volume.

DE-LINK JUSTICE FROM THE LAW, SAYS LEGAL EXPERT

A leading academic has cautioned against seeking justice and legal remedies in a neo-liberal political environment.

Issues of injustice are not satisfactorily dealt with “when the power to define justice is monopolised” by neo-liberal thinking, said Ratna Kapur, a professor at Jindal Global Law School in India.

Delivering the opening keynote address at the GAPS/GAST Postcolonial Justice conference in Potsdam, Kapur critiqued largely Western models of justice that are often imposed on India and countries in Africa, especially in the areas of gender, sexuality and human rights.

“We need to be aware and to be wary of how justice operates,” she warned. “Justice cannot always be captured in a progressive narrative.”

Kapur referred to events in India, in particular, to make her point. The widely-reported gang rape and bashing to death of a woman on a bus in Delhi in December 2012 led to calls for the death penalty to be imposed on the perpetrators of the crime. Death resulting from rape had not been a crime punishable by death but the Indian Penal Code was duly amended in 2013 to allow the imposition of the death penalty on the adult perpetrators of the Delhi assault.

Kapur said the “do-something-about-it narrative” that seemed to prevail in this instance and that is often linked to calls for justice, needed to be reconsidered.

“A problem emerges when the death penalty is equated with justice,” said Kapur. “We need to delink justice from the law – this is a huge project! But we ought to seek non-liberal forms of justice that create real change.”

Kapur expressed concern about a framework of neo-liberal thinking that had led to the re-criminalisation of queer lives in India. In December 2013, India's Supreme Court upheld a law criminalising homosexuality.

"We need different understandings of subjectivity, we need *non*-neo-liberal philosophical understandings of happiness and freedom," said Kapur. "We need to expand our epistemological field," in relation to concepts of justice.

A conference linking Australian Studies with the theme of postcolonial justice was inevitably going to consider the Mabo decision of 1992. In this landmark ruling, Australia's highest court decided in favour of a claim led by indigenous Australian Eddie Mabo, that he was entitled to customary 'native title' rights over land in the Torres Strait that he'd always considered his own. In recognising these property rights, the High Court created history by rejecting the conventional legal doctrine that Australia had been a *terra nullius* – a land belonging to no one – before British settlement in 1788. Aborigines were officially declared to have been the first legal owners of the land. The court also ruled native title rights might have survived in other parts of Australia where indigenous people could still prove an attachment to the land. The Mabo decision forced white Australia to reconsider dominant narratives of the largely peaceful settlement of a quiet, empty, cultureless land.

The Australian stream of panels at the conference began with two consecutive sessions on Mabo. The speakers considered not so much the political and legal implications of the decision but its impact on Australian culture. Katrin Althans examined the ways in which two Aboriginal-authored novels, one written before Mabo (Sam Watson's *The Kadaitcha Sung*, 1990) and one published in 2011 (Nicole Watson's *The Boundary*), both thematise Aboriginal land rights struggles. The latter Watson, who is a lawyer (and Sam's daughter), problematises the sometimes frustrating, often opaque procedures involved in native title applications by Aboriginal people, and thus uses fiction writing to fill in a discursive gap not adequately plugged by legal analysis of these processes. Patricia Plummer, in her presentation, revealed ways in which indigenous artists have laid *terra nullius* to rest and celebrated the victory of native title in post-Mabo Australia. Lioba Schreyer considered how the Mabo legacy is finding voice in indigenous poetry. Peter Kilroy, in his talk on concepts of recognition and redistribution since the Mabo decision, reminded his listeners that while Mabo provided recognition of Aboriginal rights to the land, it did not provide closure on Aboriginal claims for justice. The struggle for what might be termed 'postcolonial justice' is an ongoing process.

MORE PUBLIC TESTAMENTS NEEDED TO ABORIGINAL PASTS

Acclaimed Aboriginal artist Fiona Foley has called on public institutions in Australia to commission more art by indigenous artists, testifying to Aboriginal deeds and deaths in the nation's history.

White society has built itself plenty of monuments to those who died fighting in overseas wars, said Foley, but next to nothing in remembrance of those who died in Australia's own internal colonial wars, namely indigenous people who had been killed defending their territory from invasion.

"There is a yearning to have our dead remembered. We need our own monuments in public, visible spaces," said Foley, in a keynote address.

The Brisbane-based artist, famous for her photography, sculpture, etchings and installations, called on museums, galleries and other public bodies to do more to ensure indigenous artists are commissioned to create public artworks commemorating Aboriginal stories and histories.

Australian film came under scrutiny in the panel sessions. Venessa Castejon, Oliver Haag and Anna Cole presented preliminary results of their collaborative investigation into the reception in France, Germany/ Austria and the UK of the internationally acclaimed film *Samson and Delilah* (2009). Made by Aboriginal director Warwick Thornton, the film is an unusual love story set against a backdrop of poverty and the seeming hopelessness of life in a remote Aboriginal community. The three scholars were interested in considering the impact the film may have had on European imaginings of indigenous Australia. The ensuing discussion revealed, among other things, the difficulties involved in 'measuring' and evaluating the reception of film among diverse audiences.

In a different panel, Kerstin Knopf considered the ways in which Ray Lawrence's 2006 film *Jindabyne* examines the strained relationships between Aboriginal and non-Aboriginal Australia, particularly in the years before Prime Minister Kevin Rudd's 2008 national apology to indigenous people for the child removal ('Stolen Generations') policies of twentieth-century Australia. *Jindabyne* offers rich pickings for scholarship. It is based on Raymond Carver's short story "So Much Water So Close to Home" (1981). Stuart and his buddies, on a fishing trip in a remote mountain area, refuse to call off their holiday after discovering a woman's body in the water. Their lack of respect for the dead causes public outrage later on. In Lawrence's film, the dead woman is Aboriginal. The men's behaviour thus fuels racial tension in the small town of Jindabyne. Knopf focussed on the way Claire, the wife of 'Stewart' in the film, seeks to say sorry to the local Aboriginal community for her husband's behaviour. Claire did not commit the injustice but she feels responsible and wishes to apologise *without* expectations of the apology being accepted. Lawrence suggests here that an apology cannot be genuine if it is offered with conditions attached.

COLONIALISM ALIVE AND WELL IN LONDON, SAYS BLACK ATLANTIC SCHOLAR

Renowned academic and activist, Paul Gilroy, has highlighted the links between metropolitan centres and colonised margins, and stressed the importance of archiving the struggles of the recent past in the pursuit of justice today.

At a public lecture in Berlin focussing on the struggle against racism in Britain, Gilroy said the riots that erupted in 1976, 1981 and 2011 in London, made strong statements about black settlements in Britain, and revealed much about Britain's colonial legacy.

"We need to see that the colonies were laboratories in which the colonial power tested legal technologies, killing technologies," said Gilroy. These technologies were then put into practise in the metropolitan centre.

In colonised areas of London, "the practice of the police shooting first and then dealing with the consequences afterwards was a product of old colonial and racial habits," argued Gilroy.

"The law is absent in these areas of the city. The law operates here as if it were in a remote colony."

However, these colonised spaces were also productive places of resistance, said Gilroy.

"Colonised peoples created alternative centres of justice and developed resistance movements. With decolonisation, these strategies were exported and absorbed into black and colonised urban settlements in Europe."

Gilroy pointed out that in 1981 young people in Brixton, in stand-offs with the police, revealed what they'd learnt from activists in the colonised margins when they'd shouted "Soweto! Soweto!" at the police - referring in this instance to the racism of white police attacking black students in Apartheid South Africa.

This period of black struggle in history, said Gilroy, and its links with British colonial practice, need to be remembered and archived.

In the USA, the so-called Culture Wars of the 1990s focussed on whether the study of American history in schools was too celebratory or too critical. In Australia, similar public debates were known as the History Wars. They started in the mid-to-late 1990s and raged for about a decade, involving historians, politicians and others in often acrimonious discussion over whether Australian history was too positive (downplaying Aboriginal dispossession) or too negative (highlighting dispossession). Martina Horakova, in her paper, examined a largely uninvestigated body of writing that emerged from the History Wars: the historian's memoir. These self-reflective narratives, written by non-Aboriginal Australian historians, transgress conventional historiography with their subjectivity, and with their expressions of complicity, spatial anxiety and a lack of a sense of belonging to the land. Horakova considered two narratives in particular, Mark McKenna's *Looking for Blackfellas' Point* (2002) and Peter Read's *Belonging* (2000), for the ways in which they attempt to transcend an apparent impasse in the white intellectual's search for an ethically correct relationship to the land and with Australia's first peoples.

In the same panel, the writings of a prominent and largely revered historian of Aboriginal dispossession, Henry Reynolds, came in for critique. John Docker questioned Reynolds' rejection of the application of the term genocide to describe the destruction of Aboriginal societies in Australia. Reynolds does this in his 2001 book *An Indelible Stain? The Question of Genocide in Australia's History*. Docker argued that Reynolds focusses too much on juridical discourse and on British government policy

directives of intent (or non-intent) in relation to the destruction of Aboriginal societies, rather than considering what happened, in practice, on the ground. While applying the prickly term genocide to processes of colonisation remains contentious, Docker argued many historians now accept that genocide – as the United Nations defines it – can be applied to what occurred in many parts of Australia where Aboriginal peoples and cultures were ruthlessly destroyed.

BRITAIN MUST 'SHARE RESPONSIBILITY' FOR ABORIGINAL DISPOSSESSION

The United Kingdom should be held more accountable for its role in the destruction of Aboriginal cultures during colonisation, according to a leading Australian historian.

Ann Curthoys, in the closing keynote address in Potsdam, scrutinised the responsibilities of modern nations for imperial and colonial wrongs. She said government apologies for sorrowful events that took place generations ago are increasingly being sought and offered. Yet apologies required more careful consideration of what happened and who was responsible.

With regard to nineteenth-century Australia, Curthoys said although Britain gradually handed over political control of the country to settler colonial governments these governments were British creations. "British colonial agency was there all the time," she said.

The six regional colonies differed in the way they treated Aboriginal people, said Curthoys. Some had a more humanitarian bent, others were more destructive of Aboriginal lives. These colonies became states when Australia became a nation in 1901, and both state and federal governments in Australia remained morally responsible for the ill-treatment of indigenous peoples.

However, Curthoys argued that Britain had yet to adequately consider its role in the dispossession, exploitation and institutionalisation of Aboriginal people in its Australian colonies.

"Metropolitan Britain shares a moral responsibility to acknowledge Aboriginal dispossession," said Curthoys.

Geoff Rodoreda